

**5890. Misbranding of "Murray's Infallible System Tonic." U. S. \* \* \* v. M.I.S.T. Co., a corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 5749. I. S. No. 4505-e.)**

On December 8, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the M. I. S. T. Co., a corporation, Toledo, Ohio, alleging the sale and delivery by said company, on or about January 8, 1913, in violation of the Food and Drugs Act, as amended, under a guaranty that the articles was not misbranded within the meaning of said act, as amended, of a quantity of an article labeled in part, "Murray's Infallible System Tonic," which was a misbranded article within the meaning of the said act, as amended, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on or about January 28, 1913, from the State of Ohio into the State of Missouri, in further violation of said act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product contains mercury (probably in the form of calomel), emodin (probably from aloes), licorice, methyl salicylate, and compounds of iron, calcium, and magnesium. The following were tested for and found absent: Arsenic, sulphur, aspirin, and other salicylates, alkaloids, and iodids.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the wrapper and box falsely and fraudulently represented it as an infallible remedy for scrofula and catarrh, and affections of the blood, liver, and kidneys, when, in truth and in fact, it was not. It was further alleged in substance that the article was misbranded for the reason that certain statements included in the circular or pamphlet accompanying the article falsely and fraudulently represented it as a remedy for catarrh, asthma, bronchitis, piles, enlargement of the spleen, leucorrhea, suppressed menstruation, ulcers, and uterine complaints, when, in truth and in fact, it was not.

On November 28, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*